


<b>Application Number</b> 	<b>Application No.</b> 09/462,635	<b>Applicant(s)</b> SCHMIDT ET AL.	

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U.S. Patent and Trademark Office

Patent  
Attorney's Docket No. 020600-285

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
 )  
Günter SCHMIDT *et al.* ) Group Art Unit: 1634  
 )  
Application No.: 09/462,635 ) Examiner: Jeanine Anne Goldberg  
 )  
Filed: April 10, 2000 ) Confirmation No.: 5341  
 )  
For: CATEGORISING NUCLEIC ACID ) VIA FACSIMILE (703) 746-5149  
 )  
 ) I hereby certify that this correspondence is being sent  
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 ) Commissioner For Patents, P.O. Box 1450,  
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 ) Date: June 27, 2003  
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Attached please find an executed Terminal Disclaimer in connection with the application identified above.

The Director is authorized to charge \$110.00 (1814) to cover the requisite Government fee to Deposit Account 02-4800. The Director is authorized to charge any fees that may be required by this paper, and to credit any overpayment, to Deposit Account 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: June 27, 2003

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**Docket Number (Optional)  
020600-285

In re Application of: Günter SCHMIDT *et al.*  
Application No.: 09/462,635  
Filed: April 10, 2000  
For: CATEGORISING NUCLEIC ACID

The owner\*, XZILLION GMBH & CO. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,297,017. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☒ The undersigned is an attorney of record.

June 27, 2003  
Date

Deborah A. Yellin  
Reg. No. 45,904 for  
Signature

Samuel C. Miller, III, Reg. No. 27,360  
Typed or printed name

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